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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,045	04/24/2001	Joachim Endler	Q64014	3698

7590

03/19/2003

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EXAMINER

KIDD, MARKY M

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 03/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/840,045

Applicant(s)

ENDLER, JOACHIM

Examiner

Marky M Kidd

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 24 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the descriptions of the labels in Figure 1 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. **Claims 1-10** are rejected under 35 U.S.C. 102(e) as being unpatentable by Matthews (US Patent Number 4,757,525).

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Regarding **claims 1, 9 and 10**, Matthew discloses a electronic communication system, a terminal for use in the telecommunication system and a method that consist of a switch (VMS 10, VCA 14 and CO 22) and a memory (data storage subsystem 64) for storing at least one message originating from a first terminal and destined for a second terminal (column 7, line 66 and column 8 line 1), where the second terminal (user) consist of a generator for generating a specific signal ("call") to be sent to the switch (column 40, lines 42-44) and defining a user (identification code) of the second terminal being interested in at least one specific message (column 40, lines 55-57), with the switch consisting of a detector for detecting a specific signal (column 40, line 57-59) and consisting of a processor (call processor subsystem 62a-62c) for response to detecting ordering the memory to generate at least one specific message to be sent to the second terminal (Figure 15 box 722).

Regarding **claim 5**, Matthew discloses a switch (VMS 10, VCA 14 and CO 22) for use in a telecommunication consisting of a switch (VMS 10, VCA 14 and CO 22) and a memory (data storage subsystem 64) for storing at least one message originating from a first terminal and destined for a second terminal (column 7, line 66 and column 8 line 1), where the switch consisting of a detector for detecting a specific signal ("call", column 40, lines 42-44) originating from the second terminal (user) and defining a user of the second terminal being interested in at least one specific message(column 40, lines 55-57), and consisting of a processor (call processor subsystem 62a-62c) for response to detecting ordering the memory to generate at least one specific message to be sent to the second terminal (Figure 15 box 722).

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Regarding **claims 2 and 6**, Matthews further discloses an electronic communication system that consist of a destination signal defining a destination of the first terminal and/or consisting of a predefined specific code (column 39, lines 24-27).

Regarding **claims 3 and 7**, Matthews further discloses the first terminal consisting of a generator for generating an indication signal to be sent to the switch (column 27, lines 63-65) and defining at least one message originating from a user of the first terminal being a specific message (column 30, lines 33-36), with the switch consisting of a detector for detecting the indication signal (column 27, lines 65-67).

Regarding **claim 4 and 8**, Matthews further discloses the indication signal consist of a destination signal (short progress tone) defining a destination of the second terminal (addresses, column 30, lines 23-24) and/or consisting of a predefined indication code (end of address indicator, column 30, lines 24-26).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marky M Kidd whose telephone number is 703-305-8149. The examiner can normally be reached on Monday-Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5403 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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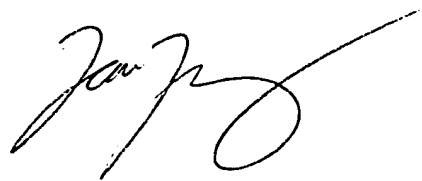
Marky M Kidd

Examiner

Art Unit 2645

March 14, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to read 'Fan Tsang', with a long, sweeping horizontal stroke extending to the right.